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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Xcentric Ventures, LLC, ) No. CV 11-01055-PHX-FJM  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 Karsen, Ltd., et al., )  
14 Defendants. )  
15

16 The court has before it plaintiff's motion for protective order and motion to quash  
17 (doc. 41), defendant Selihov's response (doc. 45), and plaintiff's reply (doc. 49).

18 Defendant issued a subpoena to non-party Google, Inc. seeking seven categories of  
19 items. Plaintiff seeks a protective order preventing defendant from seeking information in  
20 three of these categories. Sections 5 and 7 request information about advertisements  
21 displayed on plaintiff's website through a service provided by Google called Google  
22 AdSense. Defendant has withdrawn this part of his subpoena. Therefore, this portion of  
23 plaintiff's motion is moot.

24 Section 6 of the subpoena requests the IP addresses used by plaintiff's staff to log into  
25 plaintiff's Google AdSense account. Plaintiff argues that defendant could use this  
26 information improperly. It requests a protective order barring defendant from obtaining,  
27 from Google or any other source, any information about IP addresses used by plaintiff and  
28 its staff members. In his response, defendant proposes two alternatives to alleviate plaintiff's

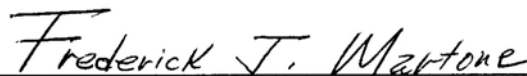
1 concerns. First, he suggests that he could produce his list of IP addresses before obtaining  
2 the IP addresses used by plaintiff. Second, he offers to have his lawyer check the lists of IP  
3 addresses against each other without showing plaintiff's IP addresses to defendant. Plaintiff  
4 does not address either suggestion in its reply.

5 Pursuant to Rule 26(b)(1), Fed. R. Civ. P., "[p]arties may obtain discovery regarding  
6 any nonprivileged matter that is relevant to any party's claim or defense." The IP addresses  
7 used by plaintiff's employees to log into plaintiff's Google AdSense account are relevant to  
8 defendant's defense that these employees posted the allegedly infringing materials on his  
9 website.

10 Despite a matter's relevance, the court may limit discovery. "The court may, for good  
11 cause, issue an order to protect a party or person from annoyance, embarrassment,  
12 oppression, or undue burden or expense[.]" Rule 26(c), Fed. R. Civ. P. "A party asserting  
13 good cause bears the burden . . . of showing that specific prejudice or harm will result if no  
14 protective order is granted." Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1130  
15 (9th Cir. 2003). Plaintiff does not allege that a protective order is necessary to protect it from  
16 annoyance, embarrassment, oppression, or undue burden or expense. It speculates on how  
17 defendant might misuse the requested information, but provides no particular facts showing  
18 that harm will result if a protective order is not granted. Plaintiff also does not respond to  
19 defendant's suggested alternatives, even though they would apparently prevent the speculated  
20 misuse.

21 **IT IS ORDERED DENYING** plaintiff's motion for protective order and motion to  
22 quash (doc. 41).

23 DATED this 28<sup>th</sup> day of August, 2012.

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25 Frederick J. Martone  
26 United States District Judge  
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